

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Rules Governing the Use of Distributed Transmission System Technologies*, MB Docket No. 20-74; *Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard*, GN Docket No. 16-142.

Under the existing distributed transmission system (DTS) rules, fewer than two dozen DTS facilities have been deployed, with about half of them in Puerto Rico, Hawaii, or Idaho. By implementing certain modifications to our rules, the potential exists to spur further development of DTS facilities in other parts of the country, which could, in turn, have a positive effect on the deployment of ATSC 3.0 technology, also known as NextGen TV, as some proponents have argued. This is a balanced and technical item, but it raises important issues as to whether the technology could expand the service contour of broadcasters who implement it. For those commenters who may be concerned about whether DTS facilities will have an adverse effect on television white spaces deployment, a key issue for me and others, we include questions here to ensure a complete record as these issues are further explored. Finally, we rightly include questions regarding how the Commission's licensing processes might be improved to facilitate DTS deployment.

Regarding ATSC 3.0 more generally, and as I have previously stated on numerous occasions, the market ultimately will determine which applications succeed and whether the new standard has utility for most broadcasters or not. Some possibilities range from dynamic audio and visual features and next generation accessibility functions, which could enhance how viewers engage with video programming, to new offerings that utilize excess signal capacity and would stretch the boundaries of how we think about broadcasting, through various types of datacasting or enhanced emergency alert systems, such as the Advanced Warning and Response Network (AWARN).

For example, I have been closely following how public television stations are already deploying datacasting capabilities for both homeland security and educational purposes, taking advantage of centralized and extensive public networks to reach students and children across the country. Especially during these trying times for our nation, the value of free over-the-air, high quality, instructive lessons to be provided by schools to students who are at home could not be greater. What's more, these stations are not only focused on bolstering the great work they already do on the educational and informational programming front; they are also working alongside the agricultural industry on forward-looking applications for datacasting in that sector, and there are other industrial uses being explored as well. In essence, they are on the frontlines providing valuable data points as this technology is being deployed and used.

For commercial stations considering whether to adopt the ATSC 3.0 standard, the prospect of new and innovative business cases that exist outside of our Neolithic media regulation paradigm—such as the national and local ownership caps—is certainly an exciting option. While we can dream of a post-*Prometheus* world where rational actors on the federal bench may finally provide a reasonable path forward on ownership regulations, at least for now broadcasters deploying the new ATSC 3.0 standard may consider new business ventures that leverage available excess signal capacity, which most agree would not be confined by our outdated ownership restrictions. In other words, we almost certainly do not have to rewrite or edit our rules for this purpose.

Nevertheless, given my interest in NextGen TV, I have had numerous conversations over the years with broadcasters who express concern that FCC ownership limitations may be applied to datacasting. While this isn't the right item to consider this issue, at the proper time I intend to ensure that every unnecessary regulation is deemed nonapplicable to NextGen TV, whether related to datacasting or other applications yet to be developed.

In the meantime, the action we take on DTS, by asking the appropriate questions, is an important step forward. I approve.